

PROB 12B
(Rev. 09/03)

UNITED STATES DISTRICT COURT

for

DISTRICT OF OREGON

PETITION AND ORDER
FOR MODIFICATION OF
CONDITIONS OF
SUPERVISED RELEASE

U.S.A. vs. MICHAEL FELIX MAGANA FILED*11 JAN 25 10:47USDC-ORP

Docket No. CR 04-192-01-HA

Petition on Probation and Supervised Release

COMES NOW JEREMY COREY, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Michael Felix Magana, who was placed on supervision by The Honorable Ancer L. Haggerty sitting in the court at Portland, Oregon, on the 20th day of September, 2004, who fixed the period of supervision at three years,* and imposed the general terms and conditions theretofore adopted by the court.

*Term of supervised release commenced on August 6, 2008.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

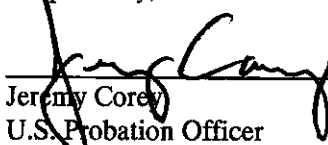
Since the onset of supervision, Magana has been subject to ongoing random urine testing. On August 19, 2010, Magana submitted a positive urine test for methamphetamine. In addition, Magana has failed to report for a random urine testing on October 3, and 25, 2010; November 5, 14, and 16, 2010; December 7, 15, and 27, 2010; and January 12, and 15, 2010.

On January 3, 2011, Magana disclosed that he had been fired from his employment at We Do Windows on December 27, 2010. According to Magana, he was fired for poor work performance. Magana stated he had been supporting himself and his family by working for his brother, who has a separate window washing company. However, this employment is cash only and is undocumented.

On January 18, 2011, Magana reported to the probation office to discuss his failure to report for random urine testing. During the office appointment, Magana admitted to using methamphetamine once every five weeks for the last year while on supervision. Based upon this admission and failure to report for random urine testing, I recommend Your Honor modify Magana's supervised release to add the special condition he enter and complete inpatient substance abuse treatment for a period not to exceed 120 days. Magana is in agreement with this modification as indicted by his signature on the attached Waiver of Hearing form.

PRAYING THAT THE COURT WILL ORDER upon consideration of factors set forth in 18 USC § 3553(a), that the defendant shall reside in and participate in the program of an inpatient drug treatment center, as directed by the probation officer, for a period not to exceed 120 days.

Respectfully,



Jeremy Corey
U.S. Probation Officer

Place: Portland, Oregon

Date: January 20, 2011

ORDER OF THE COURT

Considered and ordered this 24 day of January, 2011, and ordered filed and made a part of the records in the above case.


The Honorable Ancer L. Haggerty
Senior U.S. District Judge

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON—PROBATION OFFICE**

**WAIVER OF HEARING TO MODIFY CONDITIONS
OF PROBATION/SUPERVISED RELEASE**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release.

The defendant shall reside in and participate in the program of an inpatient drug treatment center, as directed by the probation officer, for a period not to exceed 120 days.

Witness: _____

U.S. Probation Officer

Signed: _____

Michael Felix Magana

Probationer or Supervised Releasee

Date: _____

1/12/11